

**COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND**

Bill No. 07-01 As Amended

Introduced by: Council Member McMahan

Legislative Day No. 07-02 Date: January 9, 2007

AN ACT to repeal and reenact, with amendments, Subsection B(2)(a), Schools, of Section 267-104, Adequate public facilities, of Article XXI, Public Facilities, of Part 6, Growth Management, of Chapter 267, Zoning, of the Harford County Code, as amended; to provide that preliminary plans and site plans may be approved for developments where the enrollment of a school serving the site is greater than 105% of the rated capacity under certain circumstances; and generally relating to school adequacy standards.

By the Council, January 9, 2007

Introduced, read first time, ordered posted and public hearing scheduled

on: February 6, 2007

at: 7:30pm

By order: Barbara J. O'Connor, Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on February 6, 2007, and concluded on February 6, 2007.

Barbara J. O'Connor, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [BRACKETS] indicate matter Deleted from existing law. Underlining indicates Language added to bill by amendment. Language Lined through indicates matter stricken out of Bill By amendment.

Bill No. 07-01
As Amended

1 Section 1. Be It Enacted By the County Council of Harford County, Maryland, that
2 Subsection B(2)(a), Schools, of Section 267-104, Adequate public facilities, of Article
3 XXI, Public Facilities, of Part 6, Growth Management, of Chapter 267, Zoning, of the
4 Harford County Code, as amended, be, and it is hereby, repealed and reenacted, with
5 amendments, to read as follows:

6 Chapter 267. Zoning.

7 Part 6. Growth Management.

8 Article XXI. Public Facilities.

9 Section 267-104. Adequate public facilities.

10 B. Adequacy standards (minimum acceptable level of service).

11 (2) Residential development. Approval of residential subdivision plans and site plans for
12 multi-family development shall be subject to findings of adequate capacity based on the
13 standards set in this subsection, and the current and projected use level described in the
14 annual growth report:

15 (a) Schools

16 (1) Preliminary approval. Preliminary subdivision plans exceeding five lots
17 and site plans for multi-family residential developments exceeding five dwelling units
18 shall not be approved at locations where either of the following conditions exists:

19 (a) The enrollment at the elementary school which serves the site is greater
20 than 105% of the rated capacity, or is projected to be greater than 105% within 3 years; or

Bill No. 07-01
As Amended

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3 XXI, Public Facilities, of Part 6, Growth Management, of Chapter 267, Zoning, of the
4 Harford County Code, as amended, be, and it is hereby, repealed and reenacted, with
5 amendments, to read as follows:

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7 Part 6. Growth Management.

8 Article XXI. Public Facilities.

9 Section 267-104. Adequate public facilities.

10 B. Adequacy standards (minimum acceptable level of service).

11 (2) Residential development. Approval of residential subdivision plans and site plans for
12 multi-family development shall be subject to findings of adequate capacity based on the
13 standards set in this subsection, and the current and projected use level described in the
14 annual growth report:

15 (a) Schools

16 (1) Preliminary approval. Preliminary subdivision plans exceeding five lots
17 and site plans for multi-family residential developments exceeding five dwelling units
18 shall not be approved at locations where either of the following conditions exists:

19 (a) The enrollment at the elementary school which serves the site is greater
20 than 105% of the rated capacity, or is projected to be greater than 105% within 3 years; or

Bill No. 07-01
As Amended

Bill No. 07-01
As Amended

1 (b) The enrollment of either the middle school or high school which serves the
2 site is greater than 105% of the rated capacity or is projected to be greater than 105%
3 within 3 years.

4 (2) Conditional review. If Paragraphs (2)(a)(1)(a) or (b) of this subsection prevent
5 approval of a preliminary subdivision plan or a site plan, the Department of Planning and
6 Zoning may proceed with conditional review of the plan and place it on a waiting list
7 arranged by date of completion of the review. Record plats, grading permits, and public
8 works agreements for utilities or roads shall not be executed by the county until the plan
9 for the project is removed from the waiting list and preliminary approval is granted.
10 Removal from the waiting list shall occur only when the condition that prevented
11 approval under Paragraphs (2)(a)(1)(a) or (b) of this subsection no longer exists.

12 (3) CAPITAL PROJECT. A PRELIMINARY SUBDIVISION PLAN OR A SITE
13 PLAN MAY BE APPROVED WHEN THE ENROLLMENT OF A SCHOOL
14 SERVING THE SITE IS GREATER THAN 105% OF THE RATED CAPACITY IF
15 THE FOLLOWING CONDITIONS EXIST:

16 (i) THE APPROVED CAPITAL BUDGET CONTAINS A CAPITAL PROJECT
17 THAT HAS APPROPRIATIONS SUFFICIENT TO FUND THE
18 CONSTRUCTION OF A NEW SCHOOL, A SCHOOL ADDITION OR
19 SCHOOL RENOVATION WHICH UPON COMPLETION WILL REDUCE
20 THE ENROLLMENT AT THE SCHOOL WHICH SERVES THE SITE BELOW
21 105% OF THE RATED CAPACITY;

22 (ii) ACTUAL CONSTRUCTION OF THE CAPITAL PROJECT HAS BEGUN;
23 AND

Bill No. 07-01

As Amended

1 (iii) THE CAPITAL PROJECT IS SCHEDULED TO BE COMPLETED AND
2 OPERATIONAL WITHIN ~~2 YEARS~~ 1 YEAR.

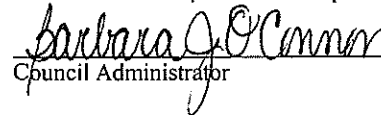
3 [(3)] (4) Exemptions. The provisions of this subsection shall not apply to transient
4 housing, housing for the elderly and continuing care retirement communities.

5 [(4) Grandfathering. The provisions of this section concerning the adequacy of schools
6 shall not apply to those developments which, as of the effective date of Bill No. 91-70
7 (4/6/92), have an approved preliminary plan.]

8 Section 2. And Be It Further Enacted, that this Act shall take effect 60 calendar days
9 from the date it becomes law.

EFFECTIVE:

The Council
Administrator does hereby certify that fifteen (15)
copies of this Bill are immediately available for
distribution to the public and the press.



Council Administrator

BILL NO. 07-01
As Amended

HARFORD COUNTY BILL NO. 07-01 As Amended

Brief Title Adequate Public Facilities – Schools – Capital Project

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

Barbara J. O'Connor
Council Administrator

Date February 6, 2007

ENROLLED

Billy Bonifant
Council President

Date February 6, 2007

BY THE COUNCIL

Read the third time.

Passed: LSD 07-04

Failed of Passage: _____

By Order

Barbara J. O'Connor
Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 7th day of February, 2007 at 3:00 p.m.

Barbara J. O'Connor
Council Administrator



BY THE EXECUTIVE

David R. Craig
COUNTY EXECUTIVE

APPROVED: Date February 8, 2007

BY THE COUNCIL

This Bill No. 07-01 As Amended having been approved by the Executive and returned to the Council, becomes law on February 8, 2007.

EFFECTIVE DATE: April 9, 2007

Barbara J. O'Connor
Barbara J. O'Connor, Council Administrator
BILL NO. 07-01
As Amended